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**ATTORNEY FOR PLAINTIFF**  
**UNITED STATES OF AMERICA**

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF MONTANA**  
**MISSOULA DIVISION**

<b>UNITED STATES OF AMERICA,</b>	<b>CR 10-01-M-DWM</b>
<b>Plaintiff,</b>	<b><u>OFFER OF PROOF IN</u></b>
<b>vs.</b>	<b><u>SUPPORT OF GUILTY</u></b>
<b>WILLIAM DALE NEWHOFF,</b>	<b><u>PLEA</u></b>
<b>Defendant.</b>	

Defendant William Dale Newhoff has signed a plea agreement  
that contemplates his plea of guilty to the indictment, which charges

Escape, in violation of Title 18 U.S.C. § 751(a). His plea of guilty will be unconditional.

**Elements.** In order to prove the case against Newhoff at trial, the United States would have to prove the following elements beyond a reasonable doubt:

First, the defendant was in the custody of Mineral County Detention Center;

Second, he was in said custody at the direction of the Attorney General, and;

Third, the defendant knowingly and voluntarily left custody without permission.

**Proof.** If called upon to prove this case at trial, and to provide a factual basis for Newhoff's plea, the United States would present, by way of the testimony of law enforcement officers, and lay and expert witnesses, the following evidence:

On or about January 25, 2009 inmate Donald J. Schwindt and William D. Newhoff escaped from Mineral County Detention Center where they were both incarcerated on separate federal gun cases at the direction of the Attorney General. The defendants crawled through a

hole in the ceiling of their cell to a trapdoor in a supply closet and fled to the road outside of the facility.

On January 26, 2009 at approximately 1:30pm, Newhoff was arrested in Troy, Montana.

The government submits that the aforementioned evidence would prove beyond a reasonable doubt all the elements of the crime charged in the indictment in this case.

Respectfully submitted this 5th day of May, 2010.

MICHAEL W. COTTER  
United States Attorney

/s/ Tara J. Elliott  
Tara J. Elliott  
Assistant U.S. Attorney  
Attorney for Plaintiff

**CERTIFICATE OF SERVICE**

I hereby certify that on 5/5/2010, a copy of the foregoing document was served on the following persons by the following means:

- (1,2) CM/ECF
- ☐ Hand Delivery
- ☐ U.S. Mail
- ☐ Overnight Delivery Service
- ☐ Fax
- ☐ E-Mail

- 1. Clerk, U.S. District Court
- 2. Michael Donahoe

/s/ Tara J. Elliott  
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Attorney for Plaintiff